

## § 61.01

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APPENDIX A TO PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS, COMPLIANCE STATUS INFORMATION

APPENDIX B TO PART 61—TEST METHODS

APPENDIX C TO PART 61—QUALITY ASSURANCE PROCEDURES

APPENDIX D TO PART 61—METHODS FOR ESTIMATING RADIONUCLIDE EMISSIONS

APPENDIX E TO PART 61—COMPLIANCE PROCEDURES METHODS FOR DETERMINING COMPLIANCE WITH SUBPART I

AUTHORITY: 42 U.S.C. 7401 *et seq.*

SOURCE: 38 FR 8826, Apr. 6, 1973, unless otherwise noted.

### Subpart A—General Provisions

#### § 61.01 Lists of pollutants and applicability of part 61.

(a) The following list presents the substances that, pursuant to section 112 of the Act, have been designated as hazardous air pollutants. The FEDERAL REGISTER citations and dates refer to the publication in which the listing decision was originally published.

Asbestos (36 FR 5931; Mar. 31, 1971)

Benzene (42 FR 29332; June 8, 1977)  
Beryllium (36 FR 5931; Mar. 31, 1971)  
Coke Oven Emissions (49 FR 36560; Sept. 18, 1984)  
Inorganic Arsenic (45 FR 37886; June 5, 1980)  
Mercury (36 FR 5931; Mar. 31, 1971)  
Radionuclides (44 FR 76738; Dec. 27, 1979)  
Vinyl Chloride (40 FR 59532; Dec. 24, 1975)

(b) The following list presents other substances for which a FEDERAL REGISTER notice has been published that included consideration of the serious health effects, including cancer, from ambient air exposure to the substance.

Acrylonitrile (50 FR 24319; June 10, 1985)  
1,3-Butadiene (50 FR 41466; Oct. 10, 1985)  
Cadmium (50 FR 42000; Oct. 16, 1985)  
Carbon Tetrachloride (50 FR 32621; Aug. 13, 1985)  
Chlorinated Benzenes (50 FR 32628; Aug. 13, 1985)  
Chlorofluorocarbon—113 (50 FR 24313; June 10, 1985)  
Chloroform (50 FR 39626; Sept. 27, 1985)  
Chloroprene (50 FR 39632; Sept. 27, 1985)  
Chromium (50 FR 24317; June 10, 1985)  
Copper (52 FR 5496; Feb. 23, 1987)  
Epichlorohydrin (50 FR 24575; June 11, 1985)  
Ethylene Dichloride (50 FR 41994; Oct. 16, 1985)  
Ethylene Oxide (50 FR 40286; Oct. 2, 1985)  
Hexachlorocyclopentadiene (50 FR 40154; Oct. 1, 1985)  
Manganese (50 FR 32627; Aug. 13, 1985)  
Methyl Chloroform (50 FR 24314; June 10, 1985)  
Methylene Chloride (50 FR 42037; Oct. 17, 1985)  
Nickel (51 FR 34135; Sept. 25, 1986)  
Perchloroethylene (50 FR 52800; Dec. 26, 1985)  
Phenol (51 FR 22854; June 23, 1986)  
Polycyclic Organic Matter (49 FR 31680; Aug. 8, 1984)  
Toluene (49 FR 22195; May 25, 1984)  
Trichloroethylene (50 FR 52422; Dec. 23, 1985)  
Vinylidene Chloride (50 FR 32632; Aug. 13, 1985)  
Zinc and Zinc Oxide (52 FR 32597, Aug. 28, 1987)

(c) This part applies to the owner or operator of any stationary source for which a standard is prescribed under this part.

(d) In addition to complying with the provisions of this part, the owner or operator of a stationary source subject to a standard in this part may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to title V of the Clean

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Air Act (Act) as amended November 15, 1990 (42 U.S.C. 7661). For more information about obtaining an operating permit see part 70 of this chapter.

[50 FR 46290, Nov. 7, 1985, as amended at 51 FR 7715, 7719, Mar. 5, 1986; 51 FR 11022, Apr. 1, 1986; 52 FR 37617, Oct. 8, 1987; 59 FR 12429, Mar. 16, 1994]

### § 61.02 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

*Act* means the Clean Air Act (42 U.S.C. 7401 *et seq.*).

*Administrator* means the Administrator of the Environmental Protection Agency or his authorized representative.

*Alternative method* means any method of sampling and analyzing for an air pollutant which is not a reference method but which has been demonstrated to the Administrator's satisfaction to produce results adequate for the Administrator's determination of compliance.

*Approved permit program* means a State permit program approved by the Administrator as meeting the requirements of part 70 of this chapter or a Federal permit program established in this chapter pursuant to title V of the Act (42 U.S.C. 7661).

*Capital expenditure* means an expenditure for a physical or operational change to a stationary source which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service (IRS) Publication 534 and the stationary source's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to a stationary source must not be reduced by any "excluded additions" as defined for stationary sources constructed after December 31, 1981, in IRS Publication 534, as would be done for tax purposes. In addition, "annual asset guideline repair allowance" may be used even though it is excluded for tax purposes in IRS Publication 534.

*Commenced* means, with respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a contin-

uous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

*Compliance schedule* means the date or dates by which a source or category of sources is required to comply with the standards of this part and with any steps toward such compliance which are set forth in a waiver of compliance under § 61.11.

*Construction* means fabrication, erection, or installation of an affected facility.

*Effective date* is the date of promulgation in the FEDERAL REGISTER of an applicable standard or other regulation under this part.

*Existing source* means any stationary source which is not a new source.

*Force majeure* means, for purposes of § 61.13, an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

*Issuance* of a part 70 permit will occur, if the State is the permitting authority, in accordance with the requirements of part 70 of this chapter and the applicable, approved State permit program. When the EPA is the permitting authority, issuance of a title V permit occurs immediately after the EPA takes final action on the final permit.

*Monitoring system* means any system, required under the monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a record of emissions or process parameters.

*New source* means any stationary source, the construction or modification of which is commenced after the publication in the FEDERAL REGISTER